

Norman C. Kleinberg
Theodore V. H. Mayer
William J. Beausoleil
HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, New York 10004-1482
(212) 837-6000

Attorneys for Defendant Merck & Co., Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
IN RE: :
Fosamax Products Liability Litigation :
-----x
This Document Relates to: : 1:06-md-1789 (JFK)
Elvira McClain & C.D. McClain :
v. Merck & Co., Inc. :
: :
Case No: 1:07-cv-8043-JFK : **Rule 7.1 Statement**
-----x

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure and to enable Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned attorneys of record for Defendant Merck & Co., Inc. certify that it has no parent companies and are not aware of any beneficial owner of more than ten percent of its Common Stock.

Dated: New York, New York
October 22, 2007

Respectfully submitted,

HUGHES HUBBARD & REED LLP

By: /s/
Norman C. Kleinberg
Theodore V. H. Mayer
William J. Beausoleil

One Battery Park Plaza
New York, New York 10004-1482
(212) 837-6000
Attorneys for Defendant Merck & Co., Inc.